

**SOLID WASTE MANAGEMENT AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tim Jimenez**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies definitions relating to solid waste.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ amends the definition of solid waste.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-6-102**, as last amended by Laws of Utah 2022, Chapter 424

**19-6-502**, as last amended by Laws of Utah 2020, Chapter 256

**19-6-509**, as enacted by Laws of Utah 2022, Chapter 385

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **19-6-102** is amended to read:

**19-6-102. Definitions.**

As used in this part:



28 (1) "Board" means the Waste Management and Radiation Control Board created in  
29 Section 19-1-106.

30 (2) "Closure plan" means a plan under Section 19-6-108 to close a facility or site at  
31 which the owner or operator has disposed of nonhazardous solid waste or has treated, stored, or  
32 disposed of hazardous waste including, if applicable, a plan to provide postclosure care at the  
33 facility or site.

34 (3) (a) "Commercial nonhazardous solid waste treatment, storage, or disposal facility"  
35 means a facility that receives, for profit, nonhazardous solid waste for treatment, storage, or  
36 disposal.

37 (b) "Commercial nonhazardous solid waste treatment, storage, or disposal facility"  
38 does not include a commercial facility that:

39 (i) receives waste for recycling;

40 (ii) receives waste to be used as fuel, in compliance with federal and state  
41 requirements;

42 (iii) is solely under contract with a local government within the state to dispose of  
43 nonhazardous solid waste generated within the boundaries of the local government; or

44 (iv) receives only waste from the exploration and production of oil and gas.

45 (4) "Construction waste or demolition waste":

46 (a) means waste from building materials, packaging, and rubble resulting from  
47 construction, demolition, remodeling, and repair of pavements, houses, commercial buildings,  
48 and other structures, and from road building and land clearing; and

49 (b) does not include:

50 (i) asbestos;

51 (ii) contaminated soils or tanks resulting from remediation or cleanup at a release or  
52 spill;

53 (iii) waste paints;

54 (iv) solvents;

55 (v) sealers;

56 (vi) adhesives; or

57 (vii) hazardous or potentially hazardous materials similar to that described in

58 Subsections (4)(b)(i) through (vi).

59 (5) "Director" means the director of the Division of Waste Management and Radiation  
60 Control.

61 (6) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or  
62 placing of any solid or hazardous waste into or on land or water so that the waste or any  
63 constituent of the waste may enter the environment, be emitted into the air, or discharged into  
64 any waters, including groundwaters.

65 (7) "Division" means the Division of Waste Management and Radiation Control,  
66 created in Subsection 19-1-105(1)(d).

67 (8) "Generation" or "generated" means the act or process of producing nonhazardous  
68 solid or hazardous waste.

69 (9) (a) "Hazardous waste" means a solid waste or combination of solid wastes other  
70 than household waste that, because of its quantity, concentration, or physical, chemical, or  
71 infectious characteristics may cause or significantly contribute to an increase in mortality or an  
72 increase in serious irreversible or incapacitating reversible illness or may pose a substantial  
73 present or potential hazard to human health or the environment when improperly treated,  
74 stored, transported, disposed of, or otherwise managed.

75 (b) "Hazardous waste" does not include those wastes listed in 40 C.F.R. Sec. 261.4(b).

76 (10) "Health facility" means a:

77 (a) hospital;

78 (b) psychiatric hospital;

79 (c) home health agency;

80 (d) hospice;

81 (e) skilled nursing facility;

82 (f) intermediate care facility;

83 (g) intermediate care facility for people with an intellectual disability;

84 (h) residential health care facility;

85 (i) maternity home or birthing center;

86 (j) free standing ambulatory surgical center;

87 (k) facility owned or operated by a health maintenance organization;

88 (l) state renal disease treatment center, including a free standing hemodialysis unit;

89 (m) the office of a private physician or dentist whether for individual or private

90 practice;

91 (n) veterinary clinic; or

92 (o) mortuary.

93 (11) "Household waste" means any waste material, including garbage, trash, and  
94 sanitary wastes in septic tanks, derived from households, including single-family and  
95 multiple-family residences, hotels and motels, bunk houses, ranger stations, crew quarters,  
96 campgrounds, picnic grounds, and day-use recreation areas.

97 (12) "Infectious waste" means a solid waste that contains or may reasonably be  
98 expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by  
99 a susceptible host could result in an infectious disease.

100 (13) "Manifest" means the form used for identifying the quantity, composition, origin,  
101 routing, and destination of hazardous waste during its transportation from the point of  
102 generation to the point of disposal, treatment, or storage.

103 (14) "Mixed waste" means material that is a hazardous waste as defined in this chapter  
104 and is also radioactive as defined in Section 19-3-102.

105 (15) "Modification request" means a request under Section 19-6-108 to modify a  
106 permitted facility or site for the purpose of disposing of nonhazardous solid waste or treating,  
107 storing, or disposing of hazardous waste.

108 (16) "Operation plan" or "nonhazardous solid or hazardous waste operation plan"  
109 means a plan or approval under Section 19-6-108, including:

110 (a) a plan to own, construct, or operate a facility or site for the purpose of transferring,  
111 treating, or disposing of nonhazardous solid waste or treating, storing, or disposing of  
112 hazardous waste;

113 (b) a closure plan;

114 (c) a modification request; or

115 (d) an approval that the director is authorized to issue.

116 (17) "Permit" includes an operation plan.

117 (18) "Permittee" means a person who is obligated under an operation plan.

118 (19) (a) "Solid waste" means garbage, refuse, sludge, including sludge from a waste  
119 treatment plant, water supply treatment plant, or air pollution control facility, or other discarded  
120 material, including solid, liquid, semi-solid, or contained gaseous material resulting from

121 industrial, commercial, mining, or agricultural operations and from community activities.

122 (b) "Solid waste" does not include solid or dissolved materials in domestic sewage or  
123 in irrigation return flows or discharges for which a permit is required under Title 19, Chapter 5,  
124 Water Quality Act, or under the Water Pollution Control Act, 33 U.S.C. Sec. 1251 et seq.

125 (c) "Solid waste" does not include metal that is:

126 (i) purchased as a valuable commercial commodity; and

127 (ii) not otherwise hazardous waste or subject to conditions of the federal hazardous  
128 waste regulations, including the requirements for recyclable materials found at 40 C.F.R. 261.6.

129 (d) "Solid waste" does not include post-use polymers or recovered feedstock, as those  
130 terms are defined in Section 19-6-502, converted or held at an advanced recycling facility.

131 (20) "Solid waste management facility" means the same as that term is defined in  
132 Section 19-6-502.

133 (21) "Storage" means the actual or intended containment of solid or hazardous waste  
134 either on a temporary basis or for a period of years in such a manner as not to constitute  
135 disposal of the waste.

136 (22) (a) "Transfer" means the collection of nonhazardous solid waste from a  
137 permanent, fixed, supplemental collection facility for movement to a vehicle for movement to  
138 an offsite nonhazardous solid waste storage or disposal facility.

139 (b) "Transfer" does not mean:

140 (i) the act of moving nonhazardous solid waste from one location to another location  
141 on the site where the nonhazardous solid waste is generated; or

142 (ii) placement of nonhazardous solid waste on the site where the nonhazardous solid  
143 waste is generated in preparation for movement off that site.

144 (23) "Transportation" means the off-site movement of solid or hazardous waste to any  
145 intermediate point or to any point of storage, treatment, or disposal.

146 (24) "Treatment" means a method, technique, or process designed to change the  
147 physical, chemical, or biological character or composition of any solid or hazardous waste so as  
148 to neutralize the waste or render the waste nonhazardous, safer for transport, amenable for  
149 recovery, amenable to storage, or reduced in volume.

150 (25) "Underground storage tank" means a tank that is regulated under Subtitle I of the  
151 Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.

152 Section 2. Section **19-6-502** is amended to read:

153 **19-6-502. Definitions.**

154 As used in this part:

155 (1) (a) "Advanced recycling" means a manufacturing process that converts post-use  
156 polymers or recovered feedstock into basic raw materials, chemicals, or advanced recycling  
157 products using technology including:

158 (i) pyrolysis;

159 (ii) gasification;

160 (iii) depolymerization;

161 (iv) catalytic cracking;

162 (v) reforming;

163 (vi) hydrogenation;

164 (vii) solvolysis; or

165 (viii) chemolysis.

166 (b) "Advanced recycling" does not include incineration of plastics or energy recovery  
167 processes.

168 (2) (a) "Advanced recycling facility" means a manufacturing facility that:

169 (i) receives, stores, and converts post-use polymers or recovered feedstock using  
170 advanced recycling; and

171 (ii) is subject to applicable Department of Environmental Quality manufacturing  
172 regulations for air, water, waste, and land use.

173 (b) "Advanced recycling facility" does not mean a manufacturing facility, as described  
174 in Section [59-7-610](#), that is in a recycling market development zone, as defined in Section  
175 [19-13-102](#).

176 (3) "Advanced recycling product" means a recycled product produced at an advanced  
177 recycling facility, including a:

178 (a) monomer;

179 (b) oligomer;

180 (c) plastic;

181 (d) chemical feedstock;

182 (e) basic and unfinished chemical;

- 183            (f) wax;  
184            (g) lubricant;  
185            (h) coating; or  
186            (i) adhesive.  
187            (4) "Depolymerization" means a manufacturing process that breaks post-use polymers  
188 into smaller molecules.  
189            (5) "Gasification" means a manufacturing process that:  
190            (a) heats post-use polymers or recovered feedstock in an oxygen-controlled  
191 atmosphere; and  
192            (b) following the process described in Subsection (5)(a), converts the polymers or  
193 recovered feedstock into syngas or a raw, intermediate, or final product.  
194            (6) "Governing body" means the governing board, commission, or council of a public  
195 entity.  
196            ~~[(2)]~~ (7) "Jurisdiction" means the area within the incorporated limits of:  
197            (a) a municipality;  
198            (b) a special service district;  
199            (c) a municipal-type service district;  
200            (d) a service area; or  
201            (e) the territorial area of a county not lying within a municipality.  
202            ~~[(3)]~~ (8) "Long-term agreement" means an agreement or contract having a term of more  
203 than five years but less than 50 years.  
204            (9) "Mass balance attribution" means a chain of custody accounting methodology with  
205 rules defined by a third-party certification system that enables the attribution of the mass of  
206 advanced recycling feedstock to at least one advanced recycling product.  
207            ~~[(4)]~~ (10) "Municipal residential waste" means solid waste that is:  
208            (a) discarded or rejected at a residence within the public entity's jurisdiction; and  
209            (b) collected at or near the residence by:  
210            (i) a public entity; or  
211            (ii) a person with whom the public entity has as an agreement to provide solid waste  
212 management.  
213            (11) "Post-use polymer" means a plastic that:

- 214 (a) is derived from an industrial, commercial, agricultural, or domestic activity;
- 215 (b) includes pre-consumer materials and post-consumer materials;
- 216 (c) has been sorted from solid waste and other regulated waste but may contain residual
- 217 amounts of waste including organic material and incidental contaminants or impurities;
- 218 (d) is not mixed with solid waste or hazardous waste during processing at the advanced
- 219 recycling facility;
- 220 (e) is used as a feedstock for the manufacturing of raw materials, intermediate
- 221 products, or final products using advanced recycling; and
- 222 (f) is held for processing or processed at the advanced recycling facility.

223 ~~[(5)]~~ (12) "Public entity" means:

- 224 (a) a county;
- 225 (b) a municipality;
- 226 (c) a special service district under Title 17D, Chapter 1, Special Service District Act;
- 227 (d) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act; or
- 228 (e) a municipal-type service district created under Title 17, Chapter 34,
- 229 Municipal-Type Services to Unincorporated Areas.

230 (13) "Pyrolysis" means a manufacturing process that:

- 231 (a) heats post-use polymers or recovered feedstock, without oxygen, until melted and
- 232 thermally decomposed; and
- 233 (b) following the process described in Subsection (13)(a), cools, condenses, and
- 234 converts post-use polymers or recovered feedstock into raw materials and intermediate and
- 235 final products.

236 (14) (a) "Recovered feedstock" means a material:

- 237 (i) that includes post-use polymers; or
- 238 (ii) for which the United States Environmental Protection Agency made a non-waste
- 239 determination or has otherwise determined is feedstock and solid waste.
- 240 (b) "Recovered feedstock" does not include unprocessed municipal solid waste or
- 241 recovered feedstock that is not mixed with solid waste or hazardous waste onsite, or during
- 242 processing, at an advanced recycling facility.

243 (15) "Recycled plastic" means a product produced from:

- 244 (a) mechanical recycling of pre-consumer feedstock or plastic, or post-consumer



245 plastic; or

246 (b) the advanced recycling of pre-consumer feedstock or plastic, or post-consumer  
247 plastic, using mass balance attribution under a third-party certification system.

248 [~~(6)~~] (16) "Requirement" means an ordinance, policy, rule, mandate, or other directive  
249 that imposes a legal duty on a person.

250 [(7)] (17) "Residence" means an improvement to real property used or occupied as a  
251 primary or secondary detached single-family dwelling.

252 [(8)] (18) "Resource recovery" means the separation, extraction, recycling, or recovery  
253 of usable material, energy, fuel, or heat from solid waste and the disposition of it.

254 [(9)] (19) "Short-term agreement" means a contract or agreement having a term of five  
255 years or less.

256 [~~(10)~~] (20) (a) "Solid waste" means a putrescible or nonputrescible material or  
257 substance discarded or rejected as being spent, useless, worthless, or in excess of the owner's  
258 needs at the time of discard or rejection, including:

- 259 (i) garbage;  
260 (ii) refuse;  
261 (iii) industrial and commercial waste;  
262 (iv) sludge from an air or water control facility;  
263 (v) rubbish;  
264 (vi) ash;  
265 (vii) contained gaseous material;  
266 (viii) incinerator residue;  
267 (ix) demolition and construction debris;  
268 (x) a discarded automobile; and  
269 (xi) offal.

270 (b) "Solid waste" does not include:

271 (i) sewage or another highly diluted water carried material or substance and those in  
272 gaseous form[-]; or

273 (ii) post-use polymers or recovered feedstock that are converted or held at an advanced  
274 recycling facility.

275 [~~(11)~~] (21) (a) "Solid waste management" means the purposeful and systematic

276 collection, transportation, storage, processing, recovery, or disposal of solid waste.

277 (b) "Solid waste management" does not include advanced recycling.

278 ~~[(12)]~~ (22) (a) "Solid waste management facility" means a facility employed for solid  
279 waste management, including:

280 (i) a transfer station;

281 (ii) a transport system;

282 (iii) a baling facility;

283 (iv) a landfill; and

284 (v) a processing system, including:

285 (A) a resource recovery facility;

286 (B) a facility for reducing solid waste volume;

287 (C) a plant or facility for compacting, or composting, of solid waste;

288 (D) an incinerator;

289 (E) a solid waste disposal, reduction, pyrolyzation, or conversion facility;

290 (F) a facility for resource recovery of energy consisting of:

291 (I) a facility for the production, transmission, distribution, and sale of heat and steam;

292 (II) a facility for the generation and sale of electric energy to a public utility,

293 municipality, or other public entity that owns and operates an electric power system on March  
294 15, 1982; and

295 (III) a facility for the generation, sale, and transmission of electric energy on an  
296 emergency basis only to a military installation of the United States; and

297 (G) an auxiliary energy facility that is connected to a facility for resource recovery of  
298 energy as described in Subsection ~~[(12)(a)(v)(F);]~~ (22)(a)(v)(F), that:

299 (I) is fueled by natural gas, landfill gas, or both;

300 (II) consists of a facility for the production, transmission, distribution, and sale of  
301 supplemental heat and steam to meet all or a portion of the heat and steam requirements of a  
302 military installation of the United States; and

303 (III) consists of a facility for the generation, transmission, distribution, and sale of  
304 electric energy to a public utility, a municipality described in Subsection ~~[(12)(a)(v)(F)(H);]~~  
305 (22)(a)(v)(F)(II), or a political subdivision created under Title 11, Chapter 13, Interlocal  
306 Cooperation Act.

- 307 (b) "Solid waste management facility" does not mean a facility that:
- 308 (i) accepts and processes metal, as described in Subsection 19-6-102(19)(b), by
- 309 separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a
- 310 principle commodity grade product of prepared scrap metal for sale or use for remelting
- 311 purposes provided that any byproduct or residual that would qualify as solid waste is managed
- 312 at a solid waste management facility; or
- 313 (ii) accepts and processes paper, plastic, rubber, glass, or textiles that:
- 314 (A) have been source-separated or otherwise diverted from the solid waste stream
- 315 before acceptance at the facility and that are not otherwise hazardous waste or subject to
- 316 conditions of federal hazardous waste regulations; and
- 317 (B) are reused or recycled as a valuable commercial commodity by separating,
- 318 shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle
- 319 commodity grade product, provided that any byproduct or residual that would qualify as solid
- 320 waste is managed at a solid waste management facility.
- 321 (c) "Solid waste management facility" does not include an advanced recycling facility.
- 322 (23) "Solvolysis" means a manufacturing process that:
- 323 (a) purifies post-use polymers using solvents, while heated at low temperatures or
- 324 pressurized, allowing additives and contaminants to be removed;
- 325 (b) uses technology, including:
- 326 (i) hydrolysis;
- 327 (ii) aminolysis;
- 328 (iii) ammonolysis;
- 329 (iv) methanololysis; or
- 330 (v) glycolysis; and
- 331 (c) uses products, including:
- 332 (i) monomers;
- 333 (ii) intermediates;
- 334 (iii) valuable chemicals;
- 335 (iv) chemical feedstock; or
- 336 (v) raw materials.
- 337 (24) "Third-party certification system" means an international or multinational

338 third-party certification system of rules to implement mass balance attribution approaches for  
339 advanced recycling, including:

- 340 (a) International Sustainability and Carbon Certification;
- 341 (b) Underwriter Laboratories;
- 342 (c) CS Recycled Content;
- 343 (d) Roundtable on Sustainable Biomaterials;
- 344 (e) EcoLoop; or
- 345 (f) REDcert2.

346 Section 3. Section **19-6-509** is amended to read:

347 **19-6-509. Recycling data.**

348 (1) As used in this section:

349 (a) (i) "Municipal solid waste" means nonhazardous solid waste, including garbage,  
350 refuse, office waste, or other similar material that results from the operation of residential,  
351 municipal, commercial, or institutional establishments or community activities.

352 (ii) "Municipal solid waste" does not include a plastic or material that is converted or  
353 held at an advanced recycling facility, including:

- 354 (A) post-use polymers; or
- 355 (B) recovered feedstock.

356 (b) "Recyclable material" means municipal solid waste that is suitable for recycling.

357 (c) "Recyclable material hauler" means a person, including a political subdivision,

358 who:

359 (i) for compensation, collects and transports recyclable material; and

360 (ii) uses the billing and collection system of a political subdivision to bill or collect  
361 payment from the recyclable material hauler's customers.

362 (d) "Recycle" means to take action to recover recyclable materials from the municipal  
363 solid waste stream for the purposes of use or reuse, conversion into raw materials, or use in the  
364 production of new products.

365 (2) A recyclable material hauler shall report, in accordance with Subsection (3) and  
366 according to the best of the recycler's knowledge, the approximate tonnage of recyclable  
367 material collected by the recyclable material hauler that the recyclable material hauler delivered  
368 to:

369 (a) a landfill; and

370 (b) a recycling facility.

371 (3) (a) At least two times each calendar year, a recyclable material hauler shall provide  
372 the information described in Subsection (2) to the political subdivision whose billing and  
373 collection system the recyclable material hauler uses.

374 (b) The recyclable material hauler shall provide data under Subsection (3)(a) for the  
375 longer of:

376 (i) the time since the recyclable material hauler last provided the data; or

377 (ii) six months before the day on which the data is provided.

378 (4) Within 45 days after the day on which a recyclable material hauler provides data  
379 under this section, a political subdivision shall publish the data, as available:

380 (a) in a newsletter produced by the municipality; and

381 (b) on a website operated by the municipality.